

## REMARKS

### **I. Status of the Claims**

Claims 11-18 are pending in the application, claims 1-10 having been canceled previously. New claim 19 is added. The claims stand rejected, variously, under 35 U.S.C. §101, §102, and §103. The specific grounds for rejection, and applicants' response thereto, are set out in detail below.

### **II. Rejection Under 35 U.S.C. §101**

Claims 11-16 are rejected as encompassing non-statutory subject matter, *i.e.*, a product of nature. Applicants submit that claim 11 (as now clarified) clearly does not read on a product of nature as it requires *both* a nucleic acid *and* a non-steroidal anti-inflammatory agent. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

### **III. Rejection Under 35 U.S.C. §102**

Claims 11-12 are rejected as anticipated by Collins *et al.* Applicants traverse on the grounds that the claims (now clarified) recite *both* a nucleic acid *and* a non-steroidal anti-inflammatory agent. Because Collins *et al.* does not teach such a formulation, much less one also exhibiting the additional pH, ion concentration and drug concentration limitations, it cannot be anticipatory. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

**IV. Rejection Under 35 U.S.C. §103**

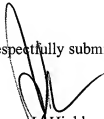
Claims 11, 13-15, 17 and 18 stand rejected as obvious over Shah *et al.* The reference is cited as teaching a two-part irrigation system that comprises chloride ions and a non-steroidal anti-inflammatory. Applicants traverse.

As discussed above, the claims (now clarified) recite *both* a nucleic acid *and* a non-steroidal anti-inflammatory agent. Because Shah *et al.* does not teach such a formulation, much less one also exhibiting the additional pH, ion concentration and drug concentration limitations, it cannot be rendered the present claims obvious. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

**V. Conclusion**

In light of the foregoing, applicants respectfully submit that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. Should the examiner have any questions regarding the content of this preliminary amendment, a telephone call to the undersigned is invited.

Respectfully submitted,



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Date: August 9, 2007